

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

GILBERT S. FEINBERG,)	C.A. No. 0:06-1568
)	
Petitioner,)	
)	
vs.)	ORDER
)	
THE FEDERAL BUREAU OF PRISONS)	
by its Director (in his official capacity); and)	
JOHN LAMANNA, as Warden (in his)	
official capacity) of FPC Edgefield,)	
)	
Respondents.)	
)	

This action, seeking habeas corpus relief pursuant to Title 28, United States Code, Section 2241, was filed by *pro se* Petitioner Gilbert S. Feinberg (“Petitioner”) on May 22, 2006. (Doc. #1). On August 9, 2006, the Respondents filed the pending motion to dismiss or, in the alternative, for summary judgment. (Doc. #7). As the Plaintiff is proceeding *pro se*, an Order pursuant to Roseboro v. Garrison, 528 F.2d 309 (4th Cir. 1975) was issued on August 10, 2006, advising the Petitioner of the importance of a motion to dismiss or, in the alternative, for summary judgment. (Doc. #8). The Petitioner was specifically advised that he had 34 days to respond and that if he failed to respond adequately, the Respondents’ motion may be granted, thereby ending his case. Id. The Petitioner filed his response on August 15, 2006. (Doc. #9). On January 8, 2007, United States Magistrate Judge Bristow Marchant, to whom this matter had previously been assigned, issued a Report and Recommendation (“the Report”) in this case. (Doc. #11). In the Report, the Magistrate Judge recommends the Respondents’ motion to dismiss or, in the alternative, for summary judgment be

granted and that the petition be dismissed. Id. No party filed objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge's Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation, and for the reasons articulated by the Magistrate Judge, and in light of no party to this action filing any objections to the Report and Recommendation, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED**. (Doc. #11). Accordingly, the Respondents' motion to dismiss or, in the alternative, for summary judgment, is **GRANTED** and the petition is dismissed.

IT IS SO ORDERED.

S/ Terry L. Wooten

Terry L. Wooten
United States District Judge

February 15, 2007
Florence, South Carolina